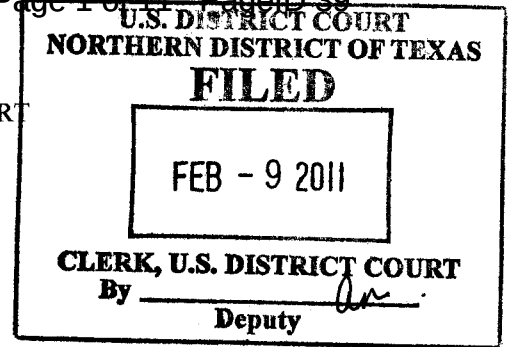


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



ARTHUR CARSON

VS.

NO.3 11-CV-0139-B

DANA ARNETTE, ET AL.,

PLAINTIFF'S ANSWER TO MAGISTRATE JUDGE QUESTIONNAIRE

TO: HONORABLE MAGISTRATE JUDGE JEFF KAPLAN

COMES NOW THE PLAINTIFF, Arthur Carson, and brings this His Answers attached here with;

**QUESTION NO. 1:** Please state, as specifically as possible, each claim you are asserting in this suit. For each claim,

- a) identify the statute or case law basis under which you are suing;
- b) **briefly** provide the underlying facts;
- c) state **specifically** how you were harmed;
- d) identify the defendant(s) responsible;
- e) state the date the defendant(s) acted; and
- f) state the date you became aware of the actions of the defendant(s).

**ANSWER:**

A). 42 U.S.C. 1983; 24 CFR 982.555; 24 U.S.C. 794; SEC. 504 OF THE REHABILITATION ACT OF 1973.

b). ON 7/21/2010, I APPLIED FOR SECTION 8 VOUCHER OR RENT SUBSIDY FOR LOW INCOME HOUSING, WITH DALLAS HOUSING. ON 12/13/2010, CAROLYN STOVALL, NOTIFIED ME BY MAIL THAT THE HOUSING AUTHORITY WOULD WITHDRAW ASSISTANCE FOR CRIMINAL ACTIVITY, AFTER THE HOUSING AUTHORITY USED SOME INTERNET COMPANY FOR BACKGROUND CHECKING.

ON 12/16/2010, MY REQUEST FOR INFORMAL REVIEW AND TO VIEW THE INFORMATION RELIED ON WERE MADE. THE HOUSING AUTHORITY, I.E., "CAROLYN STOVALL, AND SHENIQUA SHOWERS", REFUSED TO ALLOW ME ACCESS TO INFORMATION USED TO WITHDRAW ASSISTANCE, E.G., "THE CRIMINAL ACTIVITY INFORMATION".

AFTER NEXT MAKING A COMPLAINT WITH THE BETTER BUSINESS-BUREAU, THE INTERNET BACKGROUND COMPANY E-MAILED ME DOCUMENTS IT GAVE THE HOUSING AUTHORITY. ALSO THE COMPANY AGREED TO REVISE ITS BACKGROUND REPORT USED, YET DEFENDANTS FAILED TO CONSIDER THIS ADMISSION BY THE BACKGROUND COMPANY.

AT THE INFORMAL HEARING, I PRESENTED WRITTEN OBJECTIONS TO THE HOUSING AUTHORITY AND RELIANCE ON UNAUTHENTICATED BACKGROUND RECORDS FROM A NONE LAW-ENFORCEMENT AGENCY; AND RELIANCE ON MY PAST CONVICTION OF MORE THAN TWENTY-TWO YEARS AGO.

ON JANUARY 7, 2011, DEFENDANT ARNETTE, DENIED MY WRITTEN OBJECTIONS AND INFORMAL HEARING, UPHOLD THE WITHDRAWAL OF ASSISTANCE WITHOUT STATING ANY OF THE ELEMENTS OF FACTS.

- (C). DISFRANCHISED: TO RENT SUBSIDY OR LOW INCOME HOUSING MEANT TO AID LOW INCOME FAMILIES; USE OF FALSE RECORD BACKGROUND; DENIAL OF ANY MEANINGFUL OPPORTUNITY TO OBJECT TO THE USE OF FALSE BACKGROUND RECORDS FROM NON-LAW ENFORCEMENT AGENCIES; FAILURE TO SPECIFY THE "CRIMINAL ACTIVITY RELIED ON"; OR USE OF TWENTY-TWO YEAR OLD CONVICTION.
- (D). DEFENDANTS' IDENTITY: DANA ARNETTE, (MANAGER OF INTAKE DALLAS HOUSING); CAROLYN STOVALL, (INTAKE PLACEMENT PERSON); AND THE DALLAS HOUSING AUTHORITY.
- (E). DATES THE DEFENDANT(S) ACTED: ON 12/13/2010, CAROLYN STOVALL WITHDREW ASSISTANCE FOR CRIMINAL ACTIVITY. THE SHAM INFORMAL HEARING HELD BY DANA ARNETTE, ON 1/04/2011, AND FINAL DENIAL BY DANA ARNETTE ON 1/07/2011.
- (F). DATES AWARE OF DEFENDANT(S) ACTIONS: ON 12/16/2010, BECAME AWARE OF INITIAL WITHDRAWAL OF ASSISTANCE; ON OR ABOUT 12/16/2010, DISCOVERED INTERNET COMPANY USE OF INACCURATE BACKGROUND REPORT; ON 1/04/2011, I DISCOVERED AT THE HEARING THAT I WOULD NOT BE ALLOWED TO VIEW ANY INFORMATION REGARDING MY "CRIMINAL ACTIVITY" USED TO WITHDRAW ASSISTANCE.

**QUESTION NO. 2:** Please identify the relief that you are seeking in this lawsuit, that is, the result you are trying to achieve with this suit. If you would like this court to take action in some way, please describe specifically what you are asking this court to do. If you are seeking monetary damages, please state the amount of monetary damages (in United States dollars and cents) you are seeking.

**ANSWER:**

DECLARATORY AND INJUNCTIVE RELIEF; COST OF COURT AND ANY ATTORNEY FEES; FIFTY THOUSAND in MONETARY DAMAGES.

**QUESTION NO. 3:** Why does a federal court have subject matter jurisdiction in this case

(that is, why does a federal district court have the authority to hear this type of case)?

**ANSWER:**

This case involves Discrimination, Disenfranchisement, Due Process Violation, AND Failure To Rely On Authenticated Background Records As Required; A Federal Question Exist As To Whether The Rehabilitation Act Applies To Me As A Poor Disable Person.

**QUESTION NO. 4:** Are you claiming that the Dallas Housing Authority and its representatives improperly denied your application for Section 8 housing? If so, please explain why you believe there is a private right of action against the DHA and its employees in federal court. See generally, *Rodgers v. Garland Housing Agency*, No. 3-01-CV-0477-H, 2001 WL 1029516 at \*3 (N.D. Tex. Aug. 21, 2001) (citing cases).

**ANSWER:**

The Dallas Housing Authority and its Representatives Improperly Applied HUD's Rules During The Application Process in a manner that disenfranchises the disabled ex-felon socially, and establishes a barrier to safe, secure and affordable housing.

HUD's Statutes Implies A Right Of Action Against The Dallas Housings And its Representatives.

**QUESTION NO. 5:** Are you claiming that the denial of housing assistance is a violation of the Rehabilitation Act of 1973, 29 U.S.C. § 794? If so, please state:

- a) what disability you claim;
- b) how that disability substantially limits a major life activity; and
- c) why you believe your exclusion from the Section 8 program is due to your disability.

**ANSWER:**

- (A). THE DENIAL OF HOUSING ASSISTANCE WERE A VIOLATION OF THE REHABILITATION ACT BECAUSE OF MY MENTAL AND;
- (B). PHYSICAL DISABILITY; I AM SEVERLY DEPRESSED WHERE MEDICATIONS LIMITS MY ENERGY LEVEL, IN ADDITION TO BACK AND SPINE PROBLEMS, I.E., "BONE DETERIORATION", I TAKE NINE DIFFERENT MEDICATIONS DAILY.
- (C). MY MENTAL DEFICIENCIES PREVIOUSLY UNTREATED PRIOR TO CONVICTION IS ONE OF THE CRUX'S OF MY DISABILITIES.

**QUESTION NO. 6:** You appear to claim that you were denied certain due process rights in connection with your request for housing assistance. What due process rights do you believe you were denied? Were you provided any opportunity to challenge the DHA's decision? Please explain.

**ANSWER:**

NOT ALLOWED TO VIEW THE "CRIMINAL ACTIVITY" RELIED ON, NOR WAS A LAW ENFORCEMENT AGENCY USED TO CONDUCT THE BACKGROUND CHECK. THE DHA'S DECISION WERE VAGUE AND AMBIGUOUS AND NOT IN COMPLIANCE WITH HUD'S REGULATIONS.

NO MEANINGFUL OPPORTUNITY TO CHALLENGE THE DHA'S DECISION WERE GIVEN OR A STATEMENT OF CLEAR REASON GIVEN OR DISCOVERY ALLOWED.

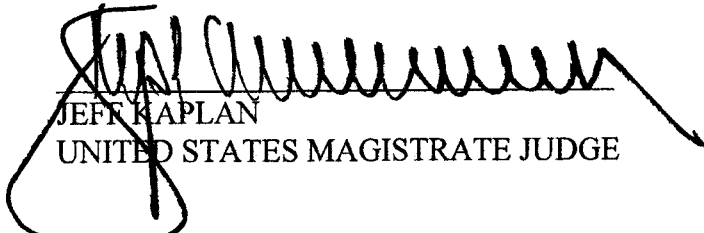
**QUESTION NO. 7:** You assert that jurisdiction is conferred by 28 U.S.C. § 1343(a)(3) &

(4). Please provide facts to support the following elements required to establish a cause of action under 42 U.S.C. § 1985: a) a conspiracy by the defendants; b) with a purpose of depriving the plaintiff of equal protection of the laws or equal privileges and immunities under the law; c) a purposeful intent to discriminate; 4) action by the defendants under color of state law or authority; and 5) injury to the person or property of the plaintiff or his deprivation of a right or privilege as a citizen of the United States resulting from actions in furtherance of the conspiracy.

**ANSWER:**

(a). DEFENDANT'S VIOLATED MY PROCEDURAL RIGHTS ESTABLISHED BY 24 CFR 982.555 AND THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT;

(b). THE DEFENDANT'S IN CONCERTED ACTION SEEKS TO DISFRANCHISE ALL EX-FELONS THAT ARE DISABLE.

  
JEFF KAPLAN  
UNITED STATES MAGISTRATE JUDGE

**STATE OF TEXAS**

**COUNTY OF**

**VERIFICATION**

I understand that a false statement or answer to any interrogatories in this cause of action will subject me to penalties for perjury. I declare (or certify, verify or state) under penalty of perjury that the foregoing answers are true and correct (28 U.S.C. § 1746).

SIGNED on this 17<sup>th</sup> day of FEBRUARY, 2011.



\_\_\_\_\_  
(Signature of Plaintiff)